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In re Application of :
ARORA et al. :
Application No.: 10/525,992 :
PCT No.: PCT/IN03/00289 : DECISION
Int. Filing Date: 27 August 2003 :
Priority Date: 28 August 2002 :
Attorney Docket No.: 006420.00003 :
For: HERBAL EXTRACT COMPRISING A :
MIXTURE OF SAPONINS OBTAINED :
FROM SAPINDUS TRIFOLIATUS FOR :
ANTICONVULSANT ACTIVITY :

This decision is in response to applicants' "Communication for Which There is No Other Form" filed in the United States Patent and Trademark Office (USPTO) on 18 August 2005, which is being treated as a petition under 37 CFR 1.181 requesting that the Notification of Acceptance mailed 19 July 2005 be vacated. No petition fee is due.

BACKGROUND

On 28 February 2005, applicants timely filed a request to enter into the national stage under 35 U.S.C. 371 along with, among other things, the appropriate basic national filing fee; a copy of the international application; and a preliminary amendment. The international application furnished by the International Bureau included an executed Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv).

On 19 July 2005, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 28 February 2005. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 28 February 2005.

On 18 August 2005, applicants filed the present request which included a combined declaration and power of attorney executed by the five joint-inventors.

DISCUSSION

Applicants state in their present request that, "the Notification of Acceptance under 35 U.S.C. 371 and 37 CFR 1.495 was erroneously sent in place of a Notice of Missing Requirements. An unexecuted Declaration was filed on February 28, 2005 along with the application and other pertinent documents . . . Applicant should have received a Notice of

Missing Requirements requesting an executed Declaration." As stated above, the international application forwarded to the USPTO by the International Bureau included a Declaration of Inventorship under PCT Rules 4.17(iv) and 51bis.1(a)(iv) for the purposes of the designation of the United States of America. The declaration executed by the named inventors is in compliance with 37 CFR 1.497(a)-(b) and thus satisfied the provisions of 35 U.S.C. 371(c)(4). Therefore, applicants' request to vacate the Notification of Acceptance is dismissed without prejudice.

CONCLUSION

Applicants' request to withdraw the Notification of Acceptance under 37 CFR 1.181 is **DISMISSED** without prejudice.

This application has an international filing date of 27 August 2003 under 35 U.S.C. 363 and a date of **28 February 2005** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for further processing.



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